RECEIVED
CENTRAL FAX CENTER

JUL 3 1 2007

Robert V. Wilder, Attorney at Law
4235 Kingsburg Drive
Round Rock, Texas 78681

fax c o n f i d e n t i a l

To: **Commissioner For Patents**
Fax Number: 15712738300

From: **Robert V. Wilder, Attorney at Law**
Fax Number: 512-246-9197
Business Phone: 512-246-8555
Home Phone:

Pages: 25
Date/Time: 7/31/2007 11:10:08 AM
Subject: Patent Application 09/970,655; Attorney Docket AUS920010938US1

Sir:

Attached is an Appeal Brief in support of the pending appeal in the subject patent application.

Respectfully submitted,

Robert V. Wilder
Reg. No. 26,352
Attorney for Applicant

RECEIVED
CENTRAL FAX CENTER

JUL 3 1 2007

1   **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**
2   **BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**
3

4   Attorney Docket No. AUS920010938US1

5
6 IN RE APPLICATION OF: §
7   §
8 **Viktors Berstis**   §   Examiner: **Chuck O. Kendall**
9   §
10 Serial No. **09/970,655**   §   Art Unit: **2192**
11   §
12 Filed: **October 4, 2001**   §
13   §
14 For: **Extracting Information** §
15   **From Software**   §
16
17
18   **APPEAL BRIEF**
19
20
21 Commissioner for Patents
22 P.O. Box 1450
23 Alexandria, Virginia 22313-1450
24
25
26 Sir:
27
28 This Brief is submitted in support of the Appeal in the above-
29 identified application.

30

CERTIFICATE OF MAILING
37 CFR 1.8(a)

I hereby certify that this correspondence is being transmitted by fax to Group Fax Number 571-273-8300, addressed to "Honorable Commissioner For Patents, PO Box 1450, Alexandria, Virginia 22313-1450", on the date set forth below:

July 31, 2007	*/Robert V. Wilder/*
_____	Robert V. Wilder
Date	Signature

---

38   APPEAL BRIEF
39   PAGE 1 OF 24
40
41   *Serial Number 09/970,655*
42   *Attorney Docket No. AUS920010938US1*
43

44

TABLE OF CONTENTS

APPEAL BRIEF
PAGE 2 OF 24

Serial Number 09/970,655
Attorney Docket No. AUS920010938US1

78 **REAL PARTY IN INTEREST**

79

80 The present application is assigned to International Business

81 Machines Corporation, the real party in interest.

82

83

84 **RELATED APPEALS AND INTERFERENCES**

85

86 There are no related Appeals or Interferences currently pending.

87

88

89 **STATUS OF THE CLAIMS**

90

91 Claims 1-24 are pending and stand finally rejected by the

92 Examiner as noted in the Final Office Action mailed April 9,

93 2007. The rejection of claims 1-24 is hereby being appealed.

94

95

96 **STATUS OF AMENDMENTS**

97

98 No Amendments have been filed subsequent to the Final Rejection

99 which was mailed on 4/9/07.

100

101

102 **SUMMARY OF THE CLAIMED SUBJECT MATTER**

103

104 The subject patent application includes independent claims 1, 16

105 and 24, and the remaining claims ultimately depend from and

APPEAL BRIEF
PAGE 3 OF 24

Serial Number 09/970,655
Attorney Docket No. AUS920010938US1

106 include all of the limitations of one of the independent claims.
107 Claim 1 recites a method embodying the present invention, claim
108 16 recites a medium embodying the present invention and claim 24
109 recites a network embodying the present invention. A concise
110 explanation of the claimed subject matter is defined in each of
111 the independent claims 1, 16 and 24, which, along with exemplary
112 specification and drawing references, is set forth below.
113
114 1. A method for extracting identification information from a
115 software package *(e.g., inter alia, Figure 5 and Page 11, line*
116 *22, to page 12, line 23)*, said software package including a
117 number of executable software modules *(Figure 6, Program Modules*
118 *601, page 12 line 25 to page 13, line 26 and 814 Figure 8)*
119 organized in a manner *(e.g., inter alia, Linked Program Modules*
120 *603, Figure 6)* determined by said identification information
121 *(e.g., inter alia, Figure 5)*, said method comprising:
122
123 determining an organization of said executable software modules
124 within said software package *(e.g., inter alia, 811, 813 and 814*
125 *Figure 8)*; and
126
127 extracting (e.g., inter alia, *815 Figure 8)* said identification
128 information *(e.g., inter alia, Figure 5 and 605 Figure 6)* from
129 said organization of said executable software modules (e.g.,
130 inter alia, 603 Figure 6) within said software package, said
131 organization comprising a sequence in which components of said
132 executable software modules are linked (e.g., inter alia, page
133 10, lines 9-22; Figure 6; Figure 7, #715; #814, Figure 8).

APPEAL BRIEF
PAGE 4 OF 24

Serial Number 09/970,655
Attorney Docket No. AUS920010938US1

134

135 To the combination set forth in claim 1, claim 2 adds the

136 recitation that the "executable modules are coupled together

137 *(e.g., inter alia, 603 Figure 6)* in a manner representative of

138 said identification information *(e.g., inter alia, Figure 5 and*

139 *605 Figure 6)*.

140

141 To the combination set forth in claim 2, claim 3 adds the

142 recitation that said executable software modules are coupled

143 together by compiling *(e.g., inter alia, p9, 127 et seq., p10,*

144 *127 & 32 et seq., & p11, 17 et seq.)* said software modules into

145 an executable form of said software package.

146

147 To the combination set forth in claim 2, claim 4 adds the

148 recitation that said executable software modules are coupled

149 together by linking *(e.g., inter alia, Abstract, line 15; p9,*

150 *line 27, 31; p10, line 32; p11, 7; p12, lines 7, 19 and 22 et*

151 *seq.)* said executable software modules into an executable form of

152 said software package.

153

154 To the combination set forth in claim 1, claim 5 adds the

155 recitations of analyzing said software package to determine an

156 organizational relationship among said executable software

157 modules; and determining a binary series *(e.g., inter alia,*

158 *Abstract lines 11-13; p3, line 16 et seq.; p11, line 16 et seq.;*

159 *p11, line 31 et seq.)* from said organizational relationship of

160 said executable software modules.

161

APPEAL BRIEF
PAGE 5 OF 24

Serial Number 09/970,655
Attorney Docket No. AUS920010938US1

162   To the combination set forth in claim 1, claim 6 adds the
163   recitation of transmitting said software package over a network
164   (e.g., inter alia, Abstract line 16 et seq.) to a requesting
165   terminal, said requesting terminal being enabled to extract said
166   identification information from said organization of said
167   executable software modules of said software package.
168
169   To the combination set forth in claim 6, claim 7 adds the
170   recitation that said software package is transmitted from a user
171   terminal over an Internet network (e.g., inter alia, p2, lines
172   15, 29; Figure 4, 405) to a server (e.g. inter alia, Figure 4,
173   407).
174
175   To the combination set forth in claim 6, claim 8 adds the
176   recitation that said user terminal is a wireless device (e.g.,
177   inter alia, p5, line 22 et seq.).
178
179   To the combination set forth in claim 6, claim 9 adds the
180   recitation that said user terminal is a personal computer system
181   (e.g., inter alia, p5, line 22 et seq.).
182
183   To the combination set forth in claim 1, claim 10 adds the
184   recitation that said identification information includes an
185   identification of a user (e.g., inter alia, p13, line 21 et seq.)
186   of said software package.
187
188   To the combination set forth in claim 1, claim 11 adds the
189   recitation that said identification information includes an

APPEAL BRIEF
PAGE 6 OF 24

Serial Number 09/970,655
Attorney Docket No. AUS920010938US1

190   identifying number *(e.g., inter alia, p13, line 21 et seq.)*
191   related to said software package.
192
193   To the combination set forth in claim 11, claim 12 adds the
194   recitation that said identification information further includes
195   an identification of a user *(e.g., inter alia, p13, line 20 et*
196   *seq.)* of said software package.
197
198   To the combination set forth in claim 1, claim 13 adds the
199   recitation that said executable software modules are organized in
200   a series of sets *(e.g., inter alia, p13, line 27 et seq.)* of
201   executable software modules, each of said sets comprising a
202   predetermined number of executable software modules.
203
204   To the combination set forth in claim 13, claim 14 adds the
205   recitation that said series of sets corresponds to a binary
206   series, *(e.g., inter alia, Abstract lines 11-13; p3, line 16 et*
207   *seq.; p11, line 16 et seq.; p11, line 31 et seq.)* and each of
208   said sets comprises first and second executable software modules,
209   said binary series being determined in accordance with a sequence
210   of said first and second executable software modules within said
211   sets of said executable software modules.
212
213   To the combination set forth in claim 13, claim 15 adds the
214   recitation that said series of sets is organized in other than a
215   binary format *(e.g., inter alia, p9, line 1 et seq.; p11, line 24*
216   *et seq.)*, each of said sets comprising a number of said
217   executable software modules other than two, said identification

APPEAL BRIEF
PAGE 7 OF 24

Serial Number 09/970,655
Attorney Docket No. AUS920010938US1

218 information being determined according to an order in which said

219 number of executable software modules are sequenced within said

220 sets of executable software modules.

221

222 The drawing and specification references of independent claim 16

223 correspond to the similar elements as identified above for

224 independent claim 1.

225

226 16. A medium including machine readable coded indicia, said

227 machine readable coded indicia being selectively operable in

228 combination with a processing circuit for extracting embedded

229 identification information from a software package *(e.g., inter*

230 *alia, Figure 5 and Page 11, line 22, to page 12, line 23),* by

231 determining an organization of executable software modules

232 *(Figure 6, Program Modules 601, page 12 line 25 to page 13, line*

233 *26 and 814 Figure 8)* within said software package, said

234 organization comprising a sequence in which components of said

235 executable software modules are linked (e.g., inter alia, page

236 10, lines 9-22; Figure 6; Figure 7, #715; #814, Figure 8),

237 wherein relationships between said executable software modules

238 *(e.g., inter alia, Linked Program Modules 603, Figure 6)* are

239 representative of said identification information *(e.g., inter*

240 *alia, Figure 5),* embedded within said software package.

241

242 To the combination set forth in claim 16, claim 17 adds the

243 recitation that said medium is an optically encoded disk *(e.g.,*

244 *inter alia, 222 Figure 2).*

245

APPEAL BRIEF
PAGE 8 OF 24

Serial Number 09/970,655
Attorney Docket No. AUS920010938US1

246   To the combination set forth in claim 16, claim 18, adds the
247   recitation that said medium is a magnetically encoded magnetic
248   diskette *(e.g., inter alia, 219 Figure 2).*
249
250   To the combination set forth in claim 16, claim 19 adds the
251   recitation that said software package resides on a storage device
252   *(e.g., inter alia, 218 Figure 2)* within a computer device.
253
254   To the combination set forth in claim 16, claim 20 adds the
255   recitation that the software package resides on a memory device
256   *(e.g., inter alia, 207 Figure 2)*within a computer device.
257
258   To the combination set forth in claim 16, claim 21 adds the
259   recitation that said embedded identification information includes
260   an identification of a user *(e.g., inter alia, p13, line 20 et*
261   *seq.)* of said software package.
262
263   To the combination set forth in claim 16, claim 22 adds the
264   recitation that said embedded identification information includes
265   an identifying number *(e.g., inter alia, p13, line 21 et seq.)*
266   related to said software package.
267
268   To the combination set forth in claim 22, claim 23 adds the
269   recitation that said embedded identification information further
270   includes an identification of a user *(e.g., inter alia, p13, line*
271   *20 et seq.)* of said software package.
272
273   The drawing and specification references of independent claim 24

APPEAL BRIEF
PAGE 9 OF 24

Serial Number 09/970,655
Attorney Docket No. AUS920010938US1

274   correspond to the similar elements as identified above for
275   independent claims 1 and 16.
276
277   24. A network arranged to enable extracting of organizational
278   information of an organization of executable software modules
279   *(Figure 6, Program Modules 601, page 12 line 25 to page 13, line*
280   *26 and 814 Figure 8)* within a software package *(e.g., inter alia,*
281   *Figure 5 and Page 11, line 22, to page 12, line 23)*, at a user
282   terminal and transferring said organizational information to a
283   server for use in deriving identification information embedded
284   within said organizational information, said network comprising:
285
286   a user terminal *(e.g., inter alia, 401, Figure 4)* at which said
287   software package resides;
288
289   a server *(e.g., inter alia, 407, Figure 4)*; and
290
291   an interconnection *(e.g., inter alia, 403 and 405, Figure 4)*
292   between said server and said user terminal, said user terminal
293   being responsive to a request to upload said organizational
294   information of said software package for determining said
295   organizational information and transferring said organizational
296   information to said server *(e.g., inter alia, 811 and 813 Figure*
297   *8)*, said organizational information comprising a sequence in
298   which components of said executable software modules are linked
299   (e.g., inter alia, page 10, lines 9-22; Figure 6; Figure 7, #715;
300   #814, Figure 8).
301

APPEAL BRIEF
PAGE 10 OF 24

Serial Number 09/970,655
Attorney Docket No. AUS920010938US1

302   **GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

303

304   **I**. Claims 1-24 were rejected under 35 USC 103(a) as being

305   unpatentable over Price (U.S. Patent 6,738,932 B1) in view of

306   Brody (US 2001/0051928 A1).

307

308   **ARGUMENT**

309

310   **I**. With regard to the rejection of claims 1-24 under 35 USC

311   103(a) as being unpatentable over Price in view of Brody, it is

312   respectfully submitted that there is no suggestion in either

313   reference for the proposed combination and even the proposed

314   combination cannot render the present invention obvious since

315   even the hypothetical combination of references fails to suggest,

316   and even teaches away from, several of the recited features of

317   the noted claims.

318

319   More specifically, it is noted that the present invention

320   provides a means by which software identification information,

321   such as a user name or software package serial number, is

322   **extracted from a software package** by determining the manner in

323   which **executable software modules are organized** in the software

324   package wherein the organization comprises **a sequence in which**

325   **components of executable software modules are linked**. With the

326   present invention, user identification or the serial number

327   identification, for example, of a particular software package,

328   may be ascertained **by the manner in which the software package**

329   **executable modules are arranged**. In one example, the

APPEAL BRIEF
PAGE 11 OF 24

Serial Number 09/970,655
Attorney Docket No. AUS920010938US1

330   identification information is represented in binary format, i.e.
331   a series of "1's" and "Os", and **that identification information**
332   **is applied to the sequencing of executable software modules in a**
333   **software package such that one sequence of executable software**
334   **modules represents a binary "one" while another sequence of**
335   **executable software modules represents a binary "zero". Thus by**
336   **determining the relative sequencing of the executable software**
337   **modules (rather than, for example, accessing a data file), one is**
338   **enabled to re-assemble the binary identification information**
339   **which is embedded into the software package and determine, for**
340   **example, the licensed owner of the software package and/or the**
341   **serial number of the software package. Formats other than a**
342   **binary format may also be implemented.**
343
344   As stated in applicant's specification, "instead of including
345   user information in a separate code segment of the download, the
346   transaction information is included in the structure or
347   organization of the downloaded code or data. Every software
348   package consists of code blocks, data areas, subroutines, methods
349   and other such subcomponents. After a requesting user has
350   furnished the requested information and agreed to the terms of a
351   license agreement, the website will compile and link the various
352   components of the software package together to form an executable
353   module which is then downloaded to the user. **Normally, when the**
354   **various components of the software package are linked together to**
355   **form the executable module, the exact order of placement or**
356   **sequence of the components is usually not critical for the proper**

APPEAL BRIEF
PAGE 12 OF 24

Serial Number 09/970,655
Attorney Docket No. AUS920010938US1

357 execution of the software. In accordance with the present
358 invention however, the ordering and/or sequence of those
359 components and/or sub-components is used to encode selected
360 transaction information such that this encoded information can
361 later be extracted from the licensed software and copies of the
362 licensed software in the downloaded executable form. Thus, the
363 ordering or sequence of the software package components is used
364 to encode a serial number for the licensed software package as
365 well as other useful information. The embedded information can be
366 checked at a later time to determine if the software or data have
367 been tampered with or if the usage pattern leads to suspicions
368 about illegal copying. The embedded information can then be used
369 to track down the source of the illegal copies".
370
371 With specific regard to the rejection of claims 1-24 under USC
372 103(a) as being unpatentable over Price in view of Brody, it is
373 noted that the cited Price reference discloses a method and
374 system for identifying software revisions from memory images
375 which define a state of software execution at time of system
376 failure in order to determine a cause of the failure. As noted in
377 column 2, lines 50-65 of Price, the identification system
378 includes an identification mechanism configured to process memory
379 images from the computer system to determine the size in bytes of
380 executables in the memory image. Identification of the software
381 version, according to the cited reference, is achieved by
382 comparing, at each matching offset, the lengths of executable
383 text segments with the executable in the memory image. Price
384 simply does not disclose or even suggest extracting any

APPEAL BRIEF
PAGE 13 OF 24

Serial Number 09/970,655
Attorney Docket No. AUS920010938US1

385 information from **sequence in which components of said executable**

386 **software modules are linked** as is clearly claimed in the

387 independent claims 1, 16 and 24. Price's system and the system of

388 the present application are incompatible and teach in different

389 directions; the system of Price would be unable to accomplish the

390 objective of the present invention and the system of the present

391 application would be unable to accomplish the objective of Price.

392

393 Brody, which was cited for the first time in the Final Office

394 Action mailed 4/9/2007, discloses protecting software by

395 personalization where the personalization is incorporated into

396 the software build and is delivered to the authorized user with

397 embedded pre-existing personal information. Brody does not,

398 however, disclose, teach or even suggest **embedding information** by

399 the **sequence in which components of executable modules are**

400 **linked**. Instead, Brody discloses the function of **producing a**

401 **separate personal information module** to include personal

402 information of the user. This is specifically **what is made**

403 **unnecessary** by applicant's invention. By **embedding information** in

404 the **sequence in which components of executable modules are**

405 **linked, there is no need to create a separate module as is taught**

406 **by Brody.** Thus, it is submitted that rather than suggesting

407 applicant's invention, Brody actually **teaches away from** the

408 applicant's invention, and cannot therefore be said to render the

409 present invention obvious, either taken alone or in a forced and

410 un-suggested combination with Price.

411

412 Moreover, there is no suggestion or reason referenced in either

APPEAL BRIEF
PAGE 14 OF 24

Serial Number 09/970,655
Attorney Docket No. AUS920010938US1

413   Price or Brody for the forced hypothetical combination of Price
414   and Brody, and, in fact, each reference accomplishes a different
415   function in a different manner. Price teaches a method and system
416   for identifying software revisions from memory images which
417   define a **state of software execution at time of system failure** in
418   order to determine a cause of the failure while Brody teaches a
419   system in which personalization is incorporated into the software
420   build by creating a separate personalization module and not by
421   the **sequence in which executable modules are linked** as is
422   disclosed and claimed by applicant. The Brody system does not and
423   cannot not function to identify a state of software execution at
424   time of system failure in order to determine a cause of the
425   failure as is the objective of Price, and the Price system does
426   not and cannot produce a separate personalization module (which
427   has nothing to do with a state of software execution) as is
428   taught by Brody. Thus there is no apparent or referenced reason
429   to suggest that the two applied references could be combined for
430   any reason whatsoever. Further, since neither Price nor Brody
431   discloses or even suggests, *inter alia*, "extracting said
432   identification information from said organization of said
433   executable software modules within said software package, said
434   organization comprising a sequence in which components of said
435   executable software modules are linked", it is submitted that
436   even the combination of Price and Brody fails to render the
437   present invention obvious since not even the forced combination
438   of the two references even suggests the extracting function as is
439   clearly set forth in all of the independent claims 1, 16 and 24.
440

APPEAL BRIEF
PAGE 15 OF 24

Serial Number 09/970,655
Attorney Docket No. AUS920010938US1

441 Therefore, for the reasons stated above, it is submitted that
442 there is no suggestion or reason in either reference to combine
443 the Price and Brody references. Further, it is submitted that
444 even if there were some suggestion for the hypothetical
445 combination, that, for the reasons stated above, independent
446 claims 1, 16 and 24 are allowable under 35 USC 103(a) over the
447 hypothetical Price/Brody combination. Moreover, since claims 2-15
448 and 17-23 ultimately depend from and include all of the
449 limitations of claim 1 and claim 16, respectively, and include
450 even further limitations as specified in each of the dependent
451 claims, it is also submitted that claims 2-15 and 17-23 are also
452 allowable under 35 USC 103(a) over the hypothetical forced
453 combination of Price and Brody.
454
455
456   **CONCLUSION**
457
458 For the reasons stated above, applicant urges the Board to
459 conclude that the rejection of claims 1-24 under 35 USC 103(a) as
460 being unpatentable over Price in view of Brody is not well-
461 founded and should be reversed.
462
463 Please charge IBM Corporation Deposit Account No. 09-0447 in the
464 amount of $500.00 for submission of a Brief in Support of Appeal.
465 No additional fee or extension of time is believed to be
466 required; however, in the event an additional fee or extension of
467 time is required, please charge the fee, as well as any other fee
468 necessary to further the prosecution of this application, to the

APPEAL BRIEF
PAGE 16 OF 24

Serial Number 09/970,655
Attorney Docket No. AUS920010938US1

469   above-identified deposit account.

470

471   Respectfully submitted,

472

473   /Robert V. Wilder/

474   _____

475   Robert V. Wilder (Tel:512-246-8555)

476   Registration No. 26,352

477   Attorney for Applicant

478   4235 Kingsburg Drive

479   Round Rock, Texas 78681

APPEAL BRIEF
PAGE 17 OF 24

Serial Number 09/970,655
Attorney Docket No. AUS920010938US1

480
481

CLAIMS APPENDIX

482   1. A method for extracting identification information from a
483   software package, said software package including a number of
484   executable software modules organized in a manner determined by
485   said identification information, said method comprising:
486
487   determining an organization of said executable software modules
488   within said software package; and
489
490   extracting said identification information from said organization
491   of said executable software modules within said software package,
492   said organization comprising a sequence in which components of
493   said executable software modules are linked.
494
495   2. The method as set forth in claim 1 wherein said executable
496   software modules are coupled together in a manner representative
497   of said identification information.
498
499   3. The method as set forth in claim 2 wherein said executable
500   software modules are coupled together by compiling said software
501   modules into an executable form of said software package.
502
503   4. The method as set forth in claim 2 wherein said executable
504   software modules are coupled together by linking said executable
505   software modules into an executable form of said software
506   package.
507

APPEAL BRIEF
PAGE 18 OF 24

Serial Number 09/970,655
Attorney Docket No. AUS920010938US1

508 5. The method as set forth in claim 1 and further including:
509
510 analyzing said software package to determine an organizational
511 relationship among said executable software modules; and
512
513 determining a binary series from said organizational relationship
514 of said executable software modules.
515
516 6. The method as set forth in claim 1 and further including
517 transmitting said software package over a network to a requesting
518 terminal, said requesting terminal being enabled to extract said
519 identification information from said organization of said
520 executable software modules of said software package.
521
522 7. The method as set forth in claim 6 wherein said software
523 package is transmitted from a user terminal over an Internet
524 network to a server.
525
526 8. The method as set forth in claim 6 wherein said user terminal
527 is a wireless device.
528
529 9. The method as set forth in claim 6 wherein said user terminal
530 is a personal computer system.
531
532 10. The method as set forth in claim 1 wherein said
533 identification information includes an identification of a user
534 of said software package.
535

APPEAL BRIEF
PAGE 19 OF 24

Serial Number 09/970,655
Attorney Docket No. AUS920010938US1

536   11. The method as set forth in claim 1 wherein said
537   identification information includes an identifying number related
538   to said software package.
539
540   12. The method as set forth in claim 11 wherein said
541   identification information further includes an identification of
542   a user of said software package.
543
544   13. The method as set forth in claim 1 wherein said executable
545   software modules are organized in a series of sets of executable
546   software modules, each of said sets comprising a predetermined
547   number of executable software modules.
548
549   14. The method as set forth in claim 13 wherein said series of
550   sets corresponds to a binary series, and each of said sets
551   comprises first and second executable software modules, said
552   binary series being determined in accordance with a sequence of
553   said first and second executable software modules within said
554   sets of said executable software modules.
555
556   15. The method as set forth in claim 13 wherein said series of
557   sets is organized in other than a binary format, each of said
558   sets comprising a number of said executable software modules
559   other than two, said identification information being determined
560   according to an order in which said number of executable software
561   modules are sequenced within said sets of executable software
562   modules.
563

<center>

APPEAL BRIEF
PAGE 20 OF 24

Serial Number 09/970,655
Attorney Docket No. AUS920010938US1

</center>

564   16. A medium including machine readable coded indicia, said
565   machine readable coded indicia being selectively operable in
566   combination with a processing circuit for extracting embedded
567   identification information from a software package by determining
568   an organization of executable software modules within said
569   software package, said organization comprising a sequence in
570   which components of said executable software modules are linked,
571   wherein relationships between said executable software modules
572   are representative of said identification information embedded
573   within said software package.
574
575.   17. The medium as set forth in claim 16 wherein said medium is an
576   optically encoded disk.
577
578   18. The medium as set forth in claim 16 wherein said medium is a
579   magnetically encoded magnetic diskette.
580
581   19. The medium as set forth in claim 16 wherein said software
582   package resides on a storage device within a computer device.
583
584   20. The medium as set forth in claim 16 wherein software package
585   resides on a memory device within a computer device.
586
587   21. The medium as set forth in claim 16 wherein said embedded
588   identification information includes an identification of a user
589   of said software package.
590
591   22. The medium as set forth in claim 16 wherein said embedded

APPEAL BRIEF
PAGE 21 OF 24

Serial Number 09/970,655
Attorney Docket No. AUS920010938US1

592   identification information includes an identifying number related
593   to said software package.
594
595   23. The medium as set forth in claim 22 wherein said embedded
596   identification information further includes an identification of
597   a user of said software package.
598
599   24. A network arranged to enable extracting of organizational
600   information of an organization of executable software modules
601   within a software package at a user terminal and transferring
602   said organizational information to a server for use in deriving
603   identification information embedded within said organizational
604   information, said network comprising:
605
606   a user terminal at which said software package resides;
607
608   a server; and
609
610   an interconnection between said server and said user terminal,
611   said user terminal being responsive to a request to upload said
612   organizational information of said software package for
613   determining said organizational information and transferring said
614   organizational information to said server, said organizational
615   information comprising a sequence in which components of said
616   executable software modules are linked.
617

APPEAL BRIEF
PAGE 22 OF 24

Serial Number 09/970,655
Attorney Docket No. AUS920010938US1

618 **EVIDENCE APPENDIX**

619

620 There are no items in this Appendix.

APPEAL BRIEF
PAGE 23 OF 24

Serial Number 09/970,655
Attorney Docket No. AUS920010938US1

621   **RELATED PROCEEDINGS APPENDIX**

622

623   There are no items in this Appendix.

APPEAL BRIEF
PAGE 24 OF 24

Serial Number 09/970,655
Attorney Docket No. AUS920010938US1